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SUBJECT: TYMOSHENKO SURVIVES NO CONFIDENCE VOTE

Classified By: Ambassador William Taylor for reasons 1.4 (b,d).

SUMMARY

1. (C) Prime Minister Tymoshenko on February 5 survived a no-confidence vote in parliament organized by the opposition Party of Regions. Regions MPs said that they pushed for the vote despite knowing beforehand that it would not pass because the party had to demonstrate to its voters opposition to the PM's handling of economic policies. The Rada cannot hold another no-confidence vote until its next session begins in September. This increases the chances that the current coalition will survive through the presidential election expected in January 2010. Regions MP's have also threatened to force new parliamentary elections through mass resignations. This would be difficult to achieve. END SUMMARY.

NO-CONFIDENCE VOTE FAILS

2. (C) The Party of Regions (Regions) February 5 mustered only 203 of the needed 226 votes in the Rada to remove Prime Minister Tymoshenko's government. In addition to Regions' 172 votes, the measure won the support of the majority of the Communist party with 20 votes, 10 votes from Presidential Chief of Staff Viktor Baloha's United Center faction within the Our Ukraine-People's Self-Defense bloc (OU-PSD), and 1 vote from PM Tymoshenko's bloc (BYuT). (The one vote from BYuT was cast from MP Rybakov's electronic voting card despite Speaker Lytvyn's announcement that he was among the deputies absent from the session and therefore his vote would not be counted in the final total.)

REGIONS LAYING DOWN A MARKER TO ITS CONSTITUENCY

3. (C) Regions MPs told us prior to the vote that they recognized Regions did not have the votes to win the no-confidence measure. Regions Deputy Faction head Volodymyr Makeienko told us Regions needed to show its voters that it was challenging the government over Tymoshenko's handling of the economy. OU-PSD MP and former Justice Minister Roman Zvarych told us that Regions had committed a strategic mistake by holding the vote now rather than using the threat of a no-confidence measure as leverage to gain concessions from the government. (Note: only one no-confidence vote is allowed per Rada session. The next Rada session begins on September 8.) Pro-coalition OU-PSD MP Kyrylo Kulikov told us that Regions pushed for the no-confidence vote now knowing it would fail to remove the possibility that Regions would be called on to form a government and address the economic crisis prior to the presidential election.

COALITION INCREASINGLY STABLE

14. (C) Zvarych told us that with the threat of no-confidence removed, he expects the coalition to last well past the presidential election. Kulikov told us that the no-confidence vote showed that the coalition would hold together for the longer-term. The majority within the OU-PSD group which had broken with Yushchenko and supported the new Tymoshenko constitution had "burned their bridges" with Yushchenko. There was no going back. So they can be expected to stay with Tymoshenko. BYuT MP Valeriy Pysarenko told us that he saw no internal or external threats on the horizon that could jeopardize the existence of the coalition.

MASS RESIGNATION THREAT OVERSTATED

15. (C) After the no-confidence vote, senior Regions MP Borys Kolesnykov told assembled press that Regions could force early parliamentary elections by having 150 of its 176 deputies resign, thus depriving the Rada of the constitutionally mandated quorum of 300 seated deputies. OU Deputy Zvarych dismissed this to us as bluster. He underlined that the rules regulating deputy resignations had changed after BYuT successfully used this tactic in 2007 to force early elections. Either Kolesnykov had not read the rules or was bluffing. Zvarych pointed out that article five of the law on MP status now included a provision that a majority Rada vote is required to accept each MP's resignation. The law was also changed so that political parties could no longer vacate the party list filed with the Central Election Commission to prevent the vacant MP positions from being filled. Zvarych explained that this means that even if Regions could get 150 deputies to resign and get them approved by the Rada, they would have to convince the next 150 people on the list to either refuse to accept their positions or be sworn in and resign, until they exhaust the party list of 450 names registered prior to the 2007 parliamentary election. He said that even if Regions could successfully accomplish the task, it would take more than a year.

Comment

16. (C) The failure of the no-confidence measure removes the major external threat to the stability of the parliamentary coalition. Tymoshenko's hold on the premiership thus appears stronger now than at any time since she assumed the job. A majority of the formerly pro-Presidential OU-PSD MPs have broken with Yushchenko, thus removing the President's ability to take the coalition down at will. Speaker Lytvyn and his bloc have been, thus far, faithful allies to Tymoshenko. Regions' use of the no-confidence measure February 5 means it cannot attempt it again until September at the earliest. Meanwhile Regions' threat of mass resignations from the Rada as a way to take the government down appears unlikely to work, if they even attempt it. Thus, it appears likely that Tymoshenko (as long as she wants the job) will be able to remain as PM through 2009 - with the responsibility for management of the GOU response to the economic crisis resting squarely on her shoulders.

TAYLOR